

2009 Legislative Update

Dismantling Barriers Affecting People With Disabilities

APRIL 2009
2009 Legislative Session

Welcome Friends

Legislative session 2009 is now closed! Usually the SILC provides one or two issues outlining issues of importance to people with disabilities and tracking their progress in the legislature. However, due to budget cuts we have had to limit our information to you to a single edition this legislative session.

The poor economy has been an opportunity for the legislature to decrease services for people with disabilities with little or no regard to the detrimental effects to human life, dignity, or suffering. It is absolutely critical for all Idahoans, especially people with disabilities, their family and friends, and advocates, to monitor the actions and intent of our state representatives. You must contact your representatives to let them know how their decisions have affected you. One voice is good, but many voices are better.

On behalf of the staff and members of the State Independent Living Council, thank you for doing your part to engage in the legislative process. We deeply appreciate the emails, phone calls, and testimonies to your legislators. Your voice is critical in this process to effect change.

Kelly Buckland
Executive Director

Angela Lindig
SILC Chair



Kelly Buckland, SILC
Executive Director,
1995 - 2009

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CONTACT INFORMATION

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Special thanks to the Idaho Council on Developmental Disabilities (ICDD) for information provided in this Legislative Update.

SILC Executive Director Goes National

It is with sadness and pride that the Idaho State Independent Living Council, staff, and friends say good-bye to Kelly. Kelly is well-known nationally as an advocate on behalf of people with disabilities. With the assistance of many advocacy organizations, Mr. Buckland's guidance and efforts to effect change for all people with disabilities has resulted in multiple pieces of legislation that has benefited many. Legislative successes include protecting the rights of parents with disabilities, accessible parking laws, and laws protecting the benefits of employees that have disabilities with the Workers with Disabilities (Medicaid Buy-In) legislation. We all wish Kelly, Merle, and Rodney the best of luck in their new adventures. We will miss you but know that you will thrive with the new opportunities that Washington D.C. provides you.

– *With respect and affection, SILC Staff and Council (past and present), and Friends*

New SILC Leadership

Welcome, Todd DeVries, the new SILC Executive Director. Todd is the former chair of the SILC and has served on the Council twice, the most recent appointment began over six years ago. He has also served on the Idaho Task Force on the ADA and worked with various non-profit organizations throughout the state, specifically in the Idaho Falls and Pocatello areas. Todd is employed by Idaho State University working as a coordinator for the University's ADA and Disability Resource Center. Todd holds a BA from Whitworth College and has completed many additional educational courses and certificates. He will join the SILC staff June 8, 2009.

SILC Mailing List:

As you are aware, the SILC's mailing list is by request only. When you apply for an accessible placard or license plate you are given a business reply card stating that you are interested in being added to the SILC's mailing list to receive newsletters during the legislative session (January – April). In an effort to continue to cut costs, the SILC would like to begin an e-mail newsletter. You would not receive any more correspondence than you currently receive. E-mailed newsletters will be formatted in Microsoft Word and could easily be provided in plain text or Rich Text. Please contact the SILC by e-mail (silc@silc.idaho.gov) if you would like to begin receiving your newsletters by e-mail instead of by regular mail. If, however, you wish to be removed from our mailing list, please feel free to make that request by e-mail as well, or call us at 208-334-3800. Thank you.

Ways to be a Citizen Lobbyist:

- Write a letter to the editor of your local newspaper
 - Speak out and be visible
 - Copy this Legislative update and pass it on
 - Donate money or time to organizations that advocate on your behalf
 - Contact your legislators
- Ask if he/she has a newsletter that you can add your name to

Find a wealth of up to the minute information on bills, processes, legislators, and more on the Idaho Legislature Home Page: www.legislature.idaho.gov

ADVERTISEMENT: Are you looking for accessible housing and live in the Treasure Valley area? Please contact the Nampa Housing Authority, 211 19th Avenue North, Nampa, 83687. The Nampa Housing Authority (NHA) has 10 fully accessible units, 5 vision and hearing units and 1 hearing only unit in its inventory. NHA also has an Elderly/Disabled Local Preference for applicants applying for housing. NHA is always accepting applications. There is a waiting list but please call or email for more specific details: andy@nampahousing.com, 208-466-2601.

HOUSE BILLS

HCR009 – Rejection of Vocational Rehabilitation (VR) Rules

STATUS: Adopted

SILC position: Supports the rejection of these rules

This resolution is required to formalize the action of both the House and the Senate to reject two sections of Rule docket 47-0101-0801 proposed by VR. In Section 100, the proposed rule would move language dealing with client appeals from the rules section to the agency's Field Services Manual. In Section 300, the proposed rule required for-profit providers to meet the requirements of non-profit providers – use of a volunteer board, public disclosure of annual audit information, and the public disclosure of the salary of the organizations president or CEO. Though this section was intended to increase the transparency of operations of all providers, it was ill conceived and could result in negative consequences to clients.

HCR020 – Rejects Case Management Rule 16-0310-0801

STATUS: Held Senate Health and Welfare

SILC position: Supports the Rejection of Case Management Rule 16-0310-0801

This bill rejects Health and Welfare Rules relating to case management under Medicaid Enhanced Plan Benefits. Rule 16-0310-0801 intended to make changes to Medicaid service coordination services to meet federal regulations. Would have changed the reimbursement rate for providers from a flat monthly rate to 15-minute increments; ensured participants have a single service coordinator; addressed provider conflict of interest; changed time frame for service coordination when the participant leaves an institution; changed requirements for assessment and monitoring; and, clarified service coordination provider qualifications and participant eligibility.

H0026 – Permanent Absentee Voters

STATUS: Held House Ways and Means Committee

SILC position: Support

Allows voters to request permanent absentee voter status for all elections in which they are eligible to vote. Once approved, voters may not vote at a polling location unless he/she requests to return to non-absentee voter status. Permanent absentee voter status is lost upon notice of death, disqualification, cancelation of voter registration, or when ballot is returned as undeliverable.

H0081 – Public Assistance and Welfare (Medicaid Cost Cuts)

STATUS: Held in House Health and Welfare Committee -- Bill replaced by H0123

SILC position: Oppose

To cut costs, this bill reduced reimbursements and benefits paid by Medicaid, specifically, reducing nursing home reimbursement rates, freezing rates for Intermediate Care Facilities for people with mental retardation (ICFs/MR), freezing reimbursement rates to doctors and dentists, and removing reimbursement for non-emergency medical transportation from the Basic Medicaid Plan (not from the Enhanced Plan). There is also a change to the disproportionate share payments made to hospitals. The projected savings would be \$18.5 million, \$10.3 million of which is state general funds.

*"The test of courage comes when we are in the minority.
The test of tolerance comes when we are in the majority."
– Ralph W. Sockman*

H0087 – Vulnerable Adults

STATUS: LAW

SILC position: Support

This legislation changes the definition of vulnerable adult to apply not only to the person but to their funds, property, or resources in terms of protection from abuse and exploitation.

H0106a – Defendants, Mental Illness Exams

STATUS: LAW

SILC position: Support

This legislation changes existing law so that qualified professionals that examine a defendant's mental condition may be appointed and provide a report during sentencing. Also allows the court to not order additional examinations in some cases. Amended to limit the people who can conduct these exams to psychiatrists and licensed psychologists and excludes "other professionals".

H0123 – Public Assistance and Welfare (Medicaid Cost Cuts) (Replaces H0081)

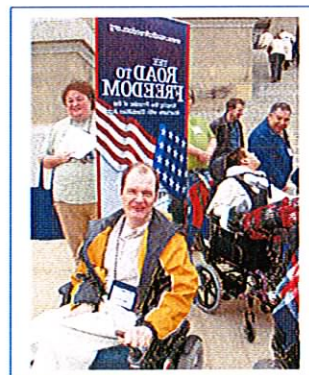
STATUS: LAW

SILC position: Oppose

There are several pieces to this legislation that negatively affect people with: Reducing nursing home reimbursement rates; Freezing rates for Intermediate Care Facilities for people with mental retardation (ICFs/MR); Freezing reimbursement rates to doctors and dentists, and, removing reimbursement for non-emergency medical transportation from the Basic Medicaid Plan (not from the Enhanced Plan). There is also a change to the disproportionate share payments made to hospitals. The projected savings would be \$18.5 million, \$10.3 million of which is state general funds. This legislation prohibits institutions from receiving automatic rate increases for 1 year. However, the rate increase return the next year. Community services have never received automatic rate increases. There is no parity in this payment system.

"I know that I have a disability but I am just like everybody else. I want to have my own apartment, I want to work, I want to help make it better for the next generation of people with disabilities."

**– Mike Smith, Moscow Idaho
Speaker at the "We are Family" Rally at the Capital Annex,
January 15, 2009**



H0145a – Sterilization Definition Revised

STATUS: LAW

SILC position: Support

This legislation changes the word "adult" to "persons" to provide protections for people under the age of 18 who are subjected to involuntary sterilization.

H0146a – Resident Care and Assisted Living Payment Levels (A la Carte billing)

STATUS: LAW

SILC position: Monitoring

This legislation affects only private pay clients. Facilities may change rates and billing practices with specific notice, and facilities may bill private pay clients for furnishings and supplies; amended to require the facility to be transparent and understandable in their billing practices.

H0220 Building Codes, Revised

STATUS: LAW

SILC position: Support

The proposed legislation adopts the 2006 editions of the International Building Code, and subsequent versions. It changes the make-up of the board. Before making changes to the code, it requires the board to contact advocacy groups for discussion and input including the Idaho State Independent Living Council.

H0260 – Skilled Nursing Facility Assessment Act

STATUS: LAW

SILC position: Monitoring

This legislation establishes a nursing home provider assessment (tax) that is used to receive additional federal Medicaid match dollars. The funds generated through this process will then be used to pay back nursing homes in response to the reimbursement freeze imposed by H0123. In effect, the institutional providers do not lose any money from the freeze imposed by H0123 – receipt will simply be delayed. Community support providers do not receive provider assessments or automatic rate increases. There is no equity in this tax assessment method and, in fact, it is little more than a shell game to gain favor with this large and powerful lobbying group.

SENATE BILLS

S1005a – Vulnerable Adults, Sexually Exploitative Material

STATUS: LAW

SILC position: Support

Adds a definition of “sexually exploitative material” to statute relating to the sexual abuse and exploitation of a vulnerable adult.

S1065 – Regional Mental Health Boards

STATUS: LAW

SILC position: Monitoring

Combines the children’s mental health regional councils with the regional mental health boards by expanding the regional mental health boards to include 2 parents of children with emotional disturbance, 3 adults with mental illness, and 1 representative each of public schools and juvenile justice within the region.

S1074aa – Educational Services for Students who are Deaf and/or Blind

STATUS: LAW

SILC position: Support

This bill replaces the current “School for the Deaf and Blind” with the newly created “Idaho Bureau of Educational Services for the Deaf and the Blind” and creates a Board of Directors to govern the Bureau’s activities. The Bureau will be charged with working with school districts across the entire state to ensure the delivery of services to students in need and may operate a residency program. While the Bureau remains under the authority of the State Board of Education, this bill removes

the State Board from the day-to-day program operations. This bill has been changed twice to amend the composition of the Board of Directors of the Bureau to include a parent of a child who is deaf or blind, a person who is blind and a person who is deaf or hearing impaired, all appointed by the Governor.

ADVERTISEMENT: Talking Books Service. The Idaho Talking Book Service provides books and magazines in cassette format for people unable to read standard printed material. All services are provided free of charge, including the mailing of reading materials and playback machines. For more information call 208-334-2150 or 1-800-458-3271.

S1082 – Eliminates the DHW program for adults with Cystic Fibrosis

STATUS: Held House Health and Welfare Committee

SILC position: Oppose

This bill is to eliminate payment for prescriptions and other costs for adults with Cystic Fibrosis in order to save \$205,000 in state general funds. DHW will continue to provide services for children under 21.

S1114 – Health Care Treatment and Consent (Medical Consent)

STATUS: Held House Health and Welfare

SILC position: Monitoring

This legislation provides a system for medical professionals to withdraw or withhold treatment for a person with a developmental disability if that treatment is determined to be futile or inhumane.

S1158 – Medically Indigent Program

STATUS: LAW

SILC position: Monitoring

This legislation revises the law that covers this program that establishes that counties are responsible for the first \$11,000 (up from \$10,000) in medical costs for an uninsured individual. The balance is paid by the Department of Health and Welfare through the Catastrophic Health Care Fund. This legislation would require the Department to conduct utilization reviews on medical claims regarding whether the person may be medicaid eligible, pursue recovery of claims paid, and drafts rules to cover this program.

RULES CHANGES THAT NEGATIVELY AFFECT IDAHOANS WITH DISABILITIES

Changes to Rules are done in committee and effective on the start date given by the committee. Rules must be approved by the Legislature and then become permanent.

RULES Docket 16-0310-0803, Medicaid Enhanced Plan Benefits, Mental Health Svcs Reform

STATUS: Approved

SILC position: Oppose

Makes changes to Medicaid outpatient mental health services to manage current benefits, intended to reduce inappropriate use of services and set clear assessment criteria while maintaining access. **These changes reduce the weekly hours of crisis intervention services from 20 hours per week to 10 hours per week, redefines and reduces psychosocial rehabilitation services,** and are intended to slow the growth of Medicaid expenditures and meet cost savings requirements.

RULES Docket 16-0310-0901, Medicaid Enhanced Plan Benefits, Mental Health Svcs Limits

STATUS: Approved

SILC position: Oppose

These changes reduce psychosocial rehabilitation services from 20 hours per week to 10 hours per week. This is intended to slow the growth of Medicaid expenditures and meet cost savings requirements.

RULES 16-0310-0902 – Medicaid Enhanced Plan Benefits, Developmental Disability Svcs

STATUS: Approved

SILC position: Oppose

These changes reduce developmental disability agency services from 30 hours per week to a maximum of 22 hours per week to slow the growth of Medicaid expenditures and meet cost savings requirements.

LEGISLATIVE SCORECARDS

Each year the SILC provides a “scorecard” for each legislator. A score is given to each legislator by averaging the number of votes in support of SILC priorities, as listed in the Legislative Update. A bill that has been held in committee will not be counted toward a grade as no vote has occurred.

- A: 90-100%
- B: 80-89%
- C: 70-79%
- D: 60-69%
- F: Below 60%

LEGISLATIVE SCORECARD – REPRESENTATIVES

LAST NAME	FIRST NAME	CITY	DISTRICT	PARTY	% VOTES	GRADE
Anderson	Eric	Priest Lake	1	Republican	60%	D
Andurs	Ken	Lava Hot Sprgs	29	Republican	70%	C
Barrett	Lenore	Challis	35	Republican	60%	D
Bayer	Clifford	Boise	21	Republican	70%	C
Bedke	Scott	Oakley	27	Republican	70%	C
Bell	Maxine	Jerome	26	Republican	80%	B
Bilbau	Carlos	Emmett	11	Republican	80%	B
Black	Max	Boise	15	Republican	70%	C
Block	Sharon	Twin Falls	24	Republican	80%	B
Boe	Donna	Pocatello	30	Democrat	80%	B
Bolz	Darrell	Caldwell	10	Republican	80%	B
Boyle	Judy	Midvale	9	Republican	70%	C
Burgoyne	Grant	Boise	16	Republican	70%	C
Chadderdon	Marge	Coeur d'Alene	4	Republican	80%	B
Chavez	Liz	Lewiston	7	Democrat	80%	B
Chew	Susan	Boise	17	Republican	70%	C
Clark	Jim	Hayden Lake	3	Republican	80%	B
Collins	Gary	Nampa	12	Republican	70%	C
Crane	Brent	Nampa	13	Democrat	70%	C
Cronin	Brian	Boise	19	Republican	80%	B
Denney	Lawrence	Midvale	9	Republican	80%	B
Durst	Branden	Boise	18	Democrat	90%	A
Eskridge	George	Dover	1	Republican	80%	B
Gibbs	Marc	Grace	31	Republican	70%	C
Hagedorn	Marv	Meridian	20	Republican	80%	B
Hart	Phil	Athol	3	Republican	80%	B
Hartgen	Stephen	Twin Falls	23	Republican	80%	B
Harwood	RJ, "Dick"	St. Maries	2	Republican	70%	C
Henderson	Frank	Post Falls	5	Republican	80%	B
Higgins	Elfreda	Garden City	16	Democrat	80%	B
Jaquet	Wendy	Ketchum	25	Democrat	70%	C
Jarvis	Rich	Meridian	21	Republican	80%	B
Killen	William	Boise	17	Democrat	80%	B
King	Phylis	Boise	18	Democrat	80%	B
Kren	Steve	Nampa	13	Republican	80%	B
Labrador	Raúl	Eagle	14	Republican	60%	D
Lake	Dennis	Blackfoot	28	Republican	70%	C
Loertscher	Thomas	Iona	31	Republican	80%	B
Luker	Lynn	Boise	15	Republican	80%	B
Marriott	Jim	Blackfoot	28	Republican	80%	B
Mathews	Russ	Idaho Falls	33	Republican	80%	B
McGeachin	Janice	Idaho Falls	32	Republican	80%	B
Moyle	Mike	Star	14	Republican	80%	B
Nielsen	Pete	Mountain Home	22	Republican	80%	B
Nonini	Bob	Coeur d'Alene	5	Republican	80%	B

LAST NAME	FIRST NAME	CITY	DISTRICT	PARTY	% VOTES	GRADE
Palmer	Joe	Meridian	20	Republican	70%	C
Pasley-Stuart	Ann	Boise	19	Democrat	80%	B
Patrick	Jim	Twin Falls	23	Republican	80%	B
Pence	Donna	Gooding	25	Democrat	80%	B
Raybould	Dell	Rexburg	34	Republican	80%	B
Ringo	Shirley	Moscow	6	Democrat	80%	B
Roberts	Ken	Donnelly	8	Republican	60%	D
Ruchti	James	Pocatello	29	Democrat	60%	D
Rusche	John	Lewiston	7	Democrat	80%	B
Saylor	George	Coeur d'Alene	4	Democrat	70%	C
Schaefer	Robert	Nampa	12	Republican	80%	B
Shepherd	Mary Lou	Wallace	2	Democrat	80%	B
Shepherd	Paul	Riggins	8	Republican	80%	B
Shirley	Mack	Rexburg	34	Republican	80%	B
Simpson	Erik	Idaho Falls	32	Republican	80%	B
Smith	Leon	Twin Falls	24	Republican	80%	B
Stevenson	John, "Bert"	Rupert	26	Republican	80%	B
Takasugi	Pat	Wilder	10	Republican	80%	B
Thayn	Steven	Emmett	11	Republican	80%	B
Thompson	Jeff	Idaho Falls	33	Republican	80%	B
Trail	Tom	Moscow	6	Republican	80%	B
Wills	Richard	Glenns Ferry	22	Republican	80%	B
Wood	Fred	Burley	27	Republican	70%	C
Wood	JoAn	Rigby	35	Republican	80%	B

LAST NAME	FIRST NAME	CITY	DISTRICT	PARTY	% VOTES	GRADE
Andreason	John	Boise	15	Republican	70%	C
Bair	Steve	Blackfoot	28	Republican	60%	D
Bilyeu	Diane	Pocatello	29	Democrat	70%	C
Bock	Les	Boise	16	Democrat	90%	A
Brackett	Bert	Rogerson	23	Republican	70%	C
Broadsword	Joyce	Sagle	2	Republican	70%	C
Cameron	Dean	Rupert	26	Republican	70%	C
Coiner	Charles	Twin Falls	24	Republican	70%	C
Corder	Tim	Mountain Home	22	Republican	70%	C
Darrington	Denton	Declo	27	Republican	70%	C
Davis	Bart	Idaho Falls	33	Republican	70%	C
Fulcher	Russell	Meridian	21	Republican	80%	B
Geddes	Robert	Soda Springs	31	Republican	70%	C
Goedde	John	Coeur d'Alene	4	Republican	70%	C
Hammond	James	Coeur d'Alene	5	Republican	70%	C
Heinrich	Leland	Cascade	8	Republican	70%	C
Hill	Brent	Rexburg	34	Republican	60%	D
Jorgenson	Michael	Hayden Lake	3	Republican	80%	B
Kelly	Kate	Boise	18	Democrat	80%	B
Keough	Shawn	Sandpoint	1	Republican	70%	C

LeFavour	Nicole	Boise	19	Democrat	80%	B
Lodge	Patti Anne	Huston	13	Republican	70%	C
Malepeai	Edgar	Pocatello	30	Democrat	70%	C
McGee	John	Caldwell	10	Republican	70%	C
McKague	Shirley	Meridian	20	Republican	50%	F
McKenzie	Curt	Nampa	12	Republican	70%	C
Mortimer	Dean	Idaho Falls	32	Republican	70%	C
Pearce	Monty	New Plymouth	9	Republican	70%	C
Schroeder	Gary	Moscow	6	Republican	80%	B
Siddoway	Jeff	Terreton	35	Republican	70%	C
Smyser	Melinda	Parma	11	Republican	70%	C
Stegner	Joe	Lewiston	7	Republican	80%	B
Stennett	Clint	Ketchum	25	Republican	70%	C
Werk	Elliott	Boise	17	Democrat	60%	D
Winder	Chuck	Boise	14	Republican	70%	C

MEDICAID EMPLOYMENT EMPOWERMENT PROJECT

Many of us are aware of the barriers to employment faced by many people with disabilities: concern about maintaining the Medicaid coverage that allows them to work, needing a personal assistant, and finding an employer willing to hire them.

The SILC's Medicaid Employment Empowerment Project, funded by a Medicaid Infrastructure Grant (MIG), will be addressing these issues. This project will provide outreach on the Medicaid for Workers with Disabilities Program (Medicaid Buy-In) through workshops on this and other work incentive programs later this year.

Since Personal Assistant Services (PAS) are an important support for many people with disabilities who want to work, another concern of this project is enhancing the PAS workforce. Each center for independent living (CIL) will form work groups of PAS employees and employers to make recommendations on PAS employment development. These work groups will send representatives to a statewide panel of work groups, and take their recommendations to the Personal Assistance Oversight Committee and other public policy groups.

Because employment for people with disabilities would not be possible without employers, we will also be working with Employment Resources for Idahoans with Disabilities (ERID) to form a Business Leadership Network (BLN) in Idaho. A BLN has a business-to-business approach to promote hiring people with disabilities.

We are also looking for competitively employed people with disabilities who are willing to participate in a media awareness campaign.

Please contact us if you are interested in any of these opportunities. Please also pass this along to other people that you think might be interested.

**Medicaid for Workers with Disabilities:
Having a job and receiving Medicaid benefits is within your reach!**

Eligibility:

- At least 16, but under 65
- Disabled as defined by Social Security (without regard to your ability to engage in "substantial gainful activity")
- Working or Self-employed
- Income and resources must not exceed defined limits (e.g., for income, 500% FPL)

ACCESSIBLE PARKING – Know the law

Title 49, Chapter 2, Motor Vehicles, General (49-213)

Accessible Parking laws were created to allow reasonable access to businesses by people with mobility impairments. Parking in a marked accessible stall, or in the access aisle of one or more accessible stalls, is **an infraction and could cost you \$100**. Valid accessible parking placards and plates are obtained by the Department of Transportation (334-8300) with written authorization from your physician. To obtain a placard, you must meet the standards under the ADA.

Placards are assigned to the individual, not the car. If the individual that the placard has been assigned to dies or is now able to walk more than 200 feet without difficulty, the placard (which is the property of the Department of Transportation) is to be returned to the Department of Transportation. This placard can not be used for multiple members of the family, can not be handed down from family member to family member, and **can not be used without the presence of the individual to whom the placard has been assigned**. Accessible parking stalls are not to be used unless you have a valid parking placard or plate, even if you are only going to be a minute, want to be able to see that your children are ok in the car you vacated, or because you believe that it is always empty anyway. Parking or storing items in the access aisles prevents the use by an individual that requires the extra space to exit and enter their vehicle via side lift.

The City of Boise is accepting applications for volunteers to ticket illegally parked vehicles. Please contact Stuart Prince, City of Boise Parking Services, 384-3773. Contact your city hall to see if your city has an ordinance supporting accessible parking enforcement volunteers.



Idaho State Independent Living Council

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